

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN P. FENSTERER,

Plaintiff,

Case No. 12-13166

v.

Paul D. Borman  
United States District Judge

COMMISSIONER OF SOCIAL SECURITY,

Michael Hluchaniuk  
United States Magistrate Judge

Defendant.

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ORDER (1) ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION (ECF NO. 14),  
(2) GRANTING IN PART PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT (ECF NO. 9),  
(3) DENYING IN PART DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT (ECF NO. 13),  
(4) REVERSING IN PART THE FINDINGS OF THE COMMISSIONER, and  
and (5) REMANDING TO THE COMMISSIONER FOR FURTHER PROCEEDINGS

On July 18, 2013, Magistrate Judge Michael Hluchaniuk issued a Report and Recommendation to grant in part Plaintiff's motion for summary judgment (ECF No. 9), deny in part Defendant's motion (ECF No. 13), reverse in part the findings of the Commissioner and remand this matter to the Commissioner for further proceedings. (ECF No. 14, Report and Recommendation.)

Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court ADOPTS the Report and Recommendation, GRANTS in part Plaintiff's motion for summary judgment, DENIES in part Defendant's motion for summary judgment, REVERSES in part the findings of the Commissioner and REMANDS this matter pursuant to sentence four of 42 U.S.C. § 405(g) for

further proceedings consistent with the Magistrate Judge's Report and Recommendation.

IT IS SO ORDERED.

s/Paul D. Borman

Paul D. Borman

United States District Judge

Dated: August 7, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 7, 2013.

s/Deborah Tofil

Case Manager